

REFERENCE TITLE: road improvement and maintenance districts

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2452

Introduced by
Representatives Mason: Tobin

AN ACT

AMENDING SECTIONS 48-1081, 48-1083 AND 48-1084, ARIZONA REVISED STATUTES;
RELATING TO ROAD IMPROVEMENT AND MAINTENANCE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 48-1081, Arizona Revised Statutes, is amended to
3 read:

4 **48-1081. Definitions**

5 In this article, unless the context otherwise requires:

6 1. "Clerk" means the person appointed by the board of directors to act
7 as the clerk for the district and to perform the duties otherwise prescribed
8 for a clerk pursuant to this chapter. THE CLERK MAY BE AN EMPLOYEE OR OTHER
9 OFFICER OF THE COUNTY WHOSE SERVICES ARE SUBJECT TO REIMBURSEMENT BY THE
10 DISTRICT PURSUANT TO SECTION 48-1087.

11 2. "District" or "road improvement and maintenance district" means a
12 county improvement district that is formed for the purpose of improving one
13 or more roads to less than the county standard and providing for ongoing
14 maintenance of the improved road or a district that is converted pursuant to
15 section 48-1088.

16 3. "Superintendent" means the person employed by the board of
17 directors to perform the duties otherwise prescribed for a superintendent
18 pursuant to this chapter. THE SUPERINTENDENT MAY BE AN EMPLOYEE OR OTHER
19 OFFICER OF THE COUNTY WHOSE SERVICES ARE SUBJECT TO REIMBURSEMENT BY THE
20 DISTRICT PURSUANT TO SECTION 48-1087.

21 Sec. 2. Section 48-1083, Arizona Revised Statutes, is amended to read:

22 **48-1083. Compensation; expenses**

23 **A. EXCEPT FOR A ROAD IMPROVEMENT DISTRICT FORMED WITH FIFTY OR FEWER
24 PARCELS:**

25 1. Each member of a road improvement and maintenance district board of
26 directors THAT IS A SEPARATELY ELECTED BOARD FORMED PURSUANT TO THIS ARTICLE
27 is eligible to receive not more than seventy-five dollars for each meeting of
28 the board attended and reimbursement for necessary travel expenses for
29 attending not more than four meetings of the board during a calendar month.
30 Compensation shall be paid by the district.

31 **B. 2. Each director shall receive reimbursement for necessary
32 expenses while engaged in official business of the district as authorized by
33 the board.**

34 Sec. 3. Section 48-1084, Arizona Revised Statutes, is amended to read:

35 **48-1084. Powers and duties of an elected or appointed board of
36 directors**

37 A. The board of directors of a road improvement and maintenance
38 district elected or appointed pursuant to this article shall have all the
39 powers and duties of the board of supervisors sitting as the board of
40 directors of a county improvement district formed for the purposes prescribed
41 in section 48-909, subsection A, paragraph 1, 2, 3 or 4, including the
42 related powers and duties prescribed in section 48-909, subsection B that are
43 not in conflict with this article. FOR A ROAD IMPROVEMENT AND MAINTENANCE
44 DISTRICT THAT INCLUDES FIFTY OR FEWER PARCELS, THE FOLLOWING APPLY:

45 1. THE DISTRICT DOES NOT HAVE THE POWER OF EMINENT DOMAIN.

1 2. THE DISTRICT MAY IMPOSE ASSESSMENTS OR OTHER OBLIGATIONS ON A PER
2 PARCEL BASIS.

3 3. THE DISTRICT'S ANNUAL BUDGET IS SUBJECT TO A VOTE OF THE PROPERTY
4 OWNERS IN THE DISTRICT IN AN ELECTION ADMINISTERED BY MAIL.

5 4. THE DISTRICT SHALL ADOPT A PLAN OF OPERATION FOR THE DISTRICT. THE
6 PLAN SHALL INCLUDE BYLAWS THAT ARE SUBJECT TO A VOTE OF THE PROPERTY OWNERS
7 IN THE DISTRICT IN AN ELECTION ADMINISTERED BY MAIL.

8 5. A PETITION FOR THE FORMATION OF A DISTRICT IS VALID FOR EIGHTEEN
9 MONTHS AFTER THE DATE OF THE FIRST SIGNATURE COLLECTED ON THE PETITION.

10 B. The board shall appoint a clerk and employ a superintendent. The
11 board shall establish and make known an office and mailing address for the
12 clerk and superintendent. **THE OFFICE AND MAILING ADDRESS WHICH MAY BE A
13 COUNTY OFFICE AND MAILING ADDRESS.**

14 C. Additions to and alterations of the district shall be made in the
15 manner provided for the establishment of the district, except that
16 notification shall be published in a newspaper of general circulation within
17 the district, petitions shall be filed with the district board and all
18 actions related to a proposed boundary change are the responsibility of the
19 district board.

20 D. Notwithstanding section 48-906, subsection D, on approval of any
21 boundary change of the district, the district board may order the successful
22 petitioners to pay all of the costs of the boundary change.